1944 **File No.** Munis. Dist II/44

Legal Department

B **BRANCH**

Subject:—

Rules and Notifications under the Bombay District Municipal Act 1901

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Office of the R.L.A

A revised draft Order is sent herewith.

2. Section 179(1) of the Bombay District Municipal Act, 1901 does not empower Government to make an order of supersession with retrospective effect. The prpposed order can therefore be given effect to only from the date on which it is made and published but not earlier.

O.C. Sd/-
3/3/44

Remembrancer of Legal Affairs.

U.R. to G.D. No. 79-Confl, dated the 3rd March 1944.

4 c.
V.R.Kk.
14/7/56

Supersession of ---

GOVERNMENT OF BOMBAY.
General Department.
Order No. 5063/33.
Bombay Castle, 1944.

Whereas the Municipality of Dohad (hereinafter referred to as 'the Municipality') was re-established by the election of twenty-four new councillors under the provisions of sub-section (5) of section 179 of the Bombay District Municipal Act, 1901 (Bom. III of 1901), on the 23rd December 1943;

And Whereas the first general meeting of the Municipality was called on the 3rd day of January 1944, by the Mamlatdar of Dohad in accordance with the provisions of sub-section (8) of section 23 of the said Act;

And Whereas fourteen out of the said twenty-four Councillors did not attend the meeting and purported to tender resignations of their seats on the Municipality on the day of the meeting;

And Whereas though the resignations tendered by the said fourteen Councillors have not been validly tendered in accordance with the law, there are no prospects of the said Councillors attending any meeting of the Municipality and, therefore, there is no possibility of having a quorum at the first general meeting f the Municipality under sub-section (2) of section 17 of the said Act;

And Whereas in the opinion of the Government of Bombay the said Municipality is not competent to perform the duties imposed on it by or under the said Act;

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V.R.K.
14/7/56

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 179 of the said Act, the Government of Bombay is pleased to declare the Municipality to be incompetent to perform the duties imposed upon it by or under the said Act, or otherwise by law and to direct that it shall be superseded for a period of one year commencing from the date of publication of this order in the Official Gazette.

2. The above order should be published in the Bombay Government Gazette.

3. The Commissioner, N.D. should be requested to appoint a new Committee of Management for conducting the affairs of the Municipality and pending the appointment by him of such a Committee, the existing Committee should continue to carry on the Municipal administration.

By order of the Governor of Bombay,

Under Secretary to Government

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V.R.K.
14/7/56

And whereas in the opionion of the Government of Bombay the said Municipality has persistently made default in the performance of the duties imposed on it by or under the said Act;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 179 of the said Act, the overnment of Bombay is pleased to declare the Municipality to be incompetent to perform the duties imposed upon it by or under the said Act or otherwise by law and to direct that it shall be superseded for a period of one year commencing from the date of publicaction of this order in the Official Gazette.

2. The Order should be published in the Bombay Government Gazette.

3. The Commissioner, Northern Division's action in asking the Collector of Ahmedabad to consider the possibility of forming a Committee of management for conducting the affairs of the Municipality is approved. Pending the appointment by him of such a Committee, the existing Administrator should continue to carry on the Municipal Administration.

By order of the Governor of Bombay,

Under Secretary to Government.

54c.
V.R.K.
14/7/56